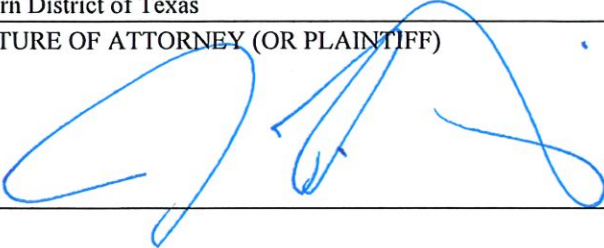


B1040 (FORM 1040) (12/15)

<b>ADVERSARY PROCEEDING COVER SHEET</b> (Instructions on Reverse)		<b>ADVERSARY PROCEEDING NUMBER</b> (Court Use Only)		
<b>PLAINTIFFS</b> C&W International Fabricators, LLC	<b>DEFENDANTS</b> Ironclad Pressure Control, LLC, Ermelinda (Mindy) Rivas, Bailee Nicole Rivas-Fernandez, and Albert Dehoyos			
<b>ATTORNEYS (Firm Name, Address, and Telephone No.)</b> Todd J. Johnston McWhorter, Cobb & Johnson, LLP PO Box 2547 Lubbock, Texas 79408 <div style="text-align: right;">806-762-0214</div>	<b>ATTORNEYS (If Known)</b> Joseph F. Postnikoff Rochelle McCullough, LLP 300 Throckmorton Street, Suite 520 Fort Worth, Texas 76102 <div style="text-align: right;">817-347-5260</div>			
<b>PARTY (Check One Box Only)</b> <input type="checkbox"/> Debtor <input type="checkbox"/> U.S. Trustee/Bankruptcy Admin <input checked="" type="checkbox"/> Creditor <input type="checkbox"/> Other <input type="checkbox"/> Trustee	<b>PARTY (Check One Box Only)</b> <input checked="" type="checkbox"/> Debtor <input type="checkbox"/> U.S. Trustee/Bankruptcy Admin <input type="checkbox"/> Creditor <input type="checkbox"/> Other <input type="checkbox"/> Trustee			
<b>CAUSE OF ACTION (WRITE A BRIEF STATEMENT OF CAUSE OF ACTION, INCLUDING ALL U.S. STATUTES INVOLVED)</b>  Suit on account.				
<b>NATURE OF SUIT</b> (Number up to five (5) boxes starting with lead cause of action as 1, first alternative cause as 2, second alternative cause as 3, etc.)				
<table style="width: 100%; border: none;"> <tr> <td style="width: 50%; vertical-align: top; border: none;"> <b>FRBP 7001(1) – Recovery of Money/Property</b>  <input type="checkbox"/> 11-Recovery of money/property - §542 turnover of property  <input type="checkbox"/> 12-Recovery of money/property - §547 preference  <input type="checkbox"/> 13-Recovery of money/property - §548 fraudulent transfer  <input type="checkbox"/> 14-Recovery of money/property - other    <b>FRBP 7001(2) – Validity, Priority or Extent of Lien</b>  <input type="checkbox"/> 21-Validity, priority or extent of lien or other interest in property    <b>FRBP 7001(3) – Approval of Sale of Property</b>  <input type="checkbox"/> 31-Approval of sale of property of estate and of a co-owner - §363(h)    <b>FRBP 7001(4) – Objection/Revocation of Discharge</b>  <input type="checkbox"/> 41-Objection / revocation of discharge - §727(c),(d),(e)    <b>FRBP 7001(5) – Revocation of Confirmation</b>  <input type="checkbox"/> 51-Revocation of confirmation    <b>FRBP 7001(6) – Dischargeability</b>  <input type="checkbox"/> 66-Dischargeability - §523(a)(1),(14),(14A) priority tax claims  <input type="checkbox"/> 62-Dischargeability - §523(a)(2), false pretenses, false representation, actual fraud  <input type="checkbox"/> 67-Dischargeability - §523(a)(4), fraud as fiduciary, embezzlement, larceny  <div style="text-align: center;">(continued next column)</div> </td> <td style="width: 50%; vertical-align: top; border: none;"> <b>FRBP 7001(6) – Dischargeability (continued)</b>  <input type="checkbox"/> 61-Dischargeability - §523(a)(5), domestic support  <input type="checkbox"/> 68-Dischargeability - §523(a)(6), willful and malicious injury  <input type="checkbox"/> 63-Dischargeability - §523(a)(8), student loan  <input type="checkbox"/> 64-Dischargeability - §523(a)(15), divorce or separation obligation (other than domestic support)  <input type="checkbox"/> 65-Dischargeability - other    <b>FRBP 7001(7) – Injunctive Relief</b>  <input type="checkbox"/> 71-Injunctive relief – imposition of stay  <input type="checkbox"/> 72-Injunctive relief – other    <b>FRBP 7001(8) Subordination of Claim or Interest</b>  <input type="checkbox"/> 81-Subordination of claim or interest    <b>FRBP 7001(9) Declaratory Judgment</b>  <input type="checkbox"/> 91-Declaratory judgment    <b>FRBP 7001(10) Determination of Removed Action</b>  <input checked="" type="checkbox"/> 01-Determination of removed claim or cause    <b>Other</b>  <input type="checkbox"/> SS-SIPA Case – 15 U.S.C. §§78aaa <i>et seq.</i>  <input type="checkbox"/> 02-Other (e.g. other actions that would have been brought in state court if unrelated to bankruptcy case) </td> </tr> </table>			<b>FRBP 7001(1) – Recovery of Money/Property</b> <input type="checkbox"/> 11-Recovery of money/property - §542 turnover of property <input type="checkbox"/> 12-Recovery of money/property - §547 preference <input type="checkbox"/> 13-Recovery of money/property - §548 fraudulent transfer <input type="checkbox"/> 14-Recovery of money/property - other  <b>FRBP 7001(2) – Validity, Priority or Extent of Lien</b> <input type="checkbox"/> 21-Validity, priority or extent of lien or other interest in property  <b>FRBP 7001(3) – Approval of Sale of Property</b> <input type="checkbox"/> 31-Approval of sale of property of estate and of a co-owner - §363(h)  <b>FRBP 7001(4) – Objection/Revocation of Discharge</b> <input type="checkbox"/> 41-Objection / revocation of discharge - §727(c),(d),(e)  <b>FRBP 7001(5) – Revocation of Confirmation</b> <input type="checkbox"/> 51-Revocation of confirmation  <b>FRBP 7001(6) – Dischargeability</b> <input type="checkbox"/> 66-Dischargeability - §523(a)(1),(14),(14A) priority tax claims <input type="checkbox"/> 62-Dischargeability - §523(a)(2), false pretenses, false representation, actual fraud <input type="checkbox"/> 67-Dischargeability - §523(a)(4), fraud as fiduciary, embezzlement, larceny <div style="text-align: center;">(continued next column)</div>	<b>FRBP 7001(6) – Dischargeability (continued)</b> <input type="checkbox"/> 61-Dischargeability - §523(a)(5), domestic support <input type="checkbox"/> 68-Dischargeability - §523(a)(6), willful and malicious injury <input type="checkbox"/> 63-Dischargeability - §523(a)(8), student loan <input type="checkbox"/> 64-Dischargeability - §523(a)(15), divorce or separation obligation (other than domestic support) <input type="checkbox"/> 65-Dischargeability - other  <b>FRBP 7001(7) – Injunctive Relief</b> <input type="checkbox"/> 71-Injunctive relief – imposition of stay <input type="checkbox"/> 72-Injunctive relief – other  <b>FRBP 7001(8) Subordination of Claim or Interest</b> <input type="checkbox"/> 81-Subordination of claim or interest  <b>FRBP 7001(9) Declaratory Judgment</b> <input type="checkbox"/> 91-Declaratory judgment  <b>FRBP 7001(10) Determination of Removed Action</b> <input checked="" type="checkbox"/> 01-Determination of removed claim or cause  <b>Other</b> <input type="checkbox"/> SS-SIPA Case – 15 U.S.C. §§78aaa <i>et seq.</i> <input type="checkbox"/> 02-Other (e.g. other actions that would have been brought in state court if unrelated to bankruptcy case)
<b>FRBP 7001(1) – Recovery of Money/Property</b> <input type="checkbox"/> 11-Recovery of money/property - §542 turnover of property <input type="checkbox"/> 12-Recovery of money/property - §547 preference <input type="checkbox"/> 13-Recovery of money/property - §548 fraudulent transfer <input type="checkbox"/> 14-Recovery of money/property - other  <b>FRBP 7001(2) – Validity, Priority or Extent of Lien</b> <input type="checkbox"/> 21-Validity, priority or extent of lien or other interest in property  <b>FRBP 7001(3) – Approval of Sale of Property</b> <input type="checkbox"/> 31-Approval of sale of property of estate and of a co-owner - §363(h)  <b>FRBP 7001(4) – Objection/Revocation of Discharge</b> <input type="checkbox"/> 41-Objection / revocation of discharge - §727(c),(d),(e)  <b>FRBP 7001(5) – Revocation of Confirmation</b> <input type="checkbox"/> 51-Revocation of confirmation  <b>FRBP 7001(6) – Dischargeability</b> <input type="checkbox"/> 66-Dischargeability - §523(a)(1),(14),(14A) priority tax claims <input type="checkbox"/> 62-Dischargeability - §523(a)(2), false pretenses, false representation, actual fraud <input type="checkbox"/> 67-Dischargeability - §523(a)(4), fraud as fiduciary, embezzlement, larceny <div style="text-align: center;">(continued next column)</div>	<b>FRBP 7001(6) – Dischargeability (continued)</b> <input type="checkbox"/> 61-Dischargeability - §523(a)(5), domestic support <input type="checkbox"/> 68-Dischargeability - §523(a)(6), willful and malicious injury <input type="checkbox"/> 63-Dischargeability - §523(a)(8), student loan <input type="checkbox"/> 64-Dischargeability - §523(a)(15), divorce or separation obligation (other than domestic support) <input type="checkbox"/> 65-Dischargeability - other  <b>FRBP 7001(7) – Injunctive Relief</b> <input type="checkbox"/> 71-Injunctive relief – imposition of stay <input type="checkbox"/> 72-Injunctive relief – other  <b>FRBP 7001(8) Subordination of Claim or Interest</b> <input type="checkbox"/> 81-Subordination of claim or interest  <b>FRBP 7001(9) Declaratory Judgment</b> <input type="checkbox"/> 91-Declaratory judgment  <b>FRBP 7001(10) Determination of Removed Action</b> <input checked="" type="checkbox"/> 01-Determination of removed claim or cause  <b>Other</b> <input type="checkbox"/> SS-SIPA Case – 15 U.S.C. §§78aaa <i>et seq.</i> <input type="checkbox"/> 02-Other (e.g. other actions that would have been brought in state court if unrelated to bankruptcy case)			
<input type="checkbox"/> Check if this case involves a substantive issue of state law	<input type="checkbox"/> Check if this is asserted to be a class action under FRCP 23			
<input type="checkbox"/> Check if a jury trial is demanded in complaint	Demand \$ 3,998,122.00			
Other Relief Sought  None				

**B1040 (FORM 1040) (12/15)**

<b>BANKRUPTCY CASE IN WHICH THIS ADVERSARY PROCEEDING ARISES</b>		
NAME OF DEBTOR Ironclad Pressure Control, LLC		BANKRUPTCY CASE NO. 23-70156
DISTRICT IN WHICH CASE IS PENDING Western District of Texas	DIVISION OFFICE Midland	NAME OF JUDGE Shad Robinson
<b>RELATED ADVERSARY PROCEEDING (IF ANY)</b>		
PLAINTIFF Ironclad Pressure Control, LLC	DEFENDANT C&W International Fabricators, LLC	ADVERSARY PROCEEDING NO. 24-07002-smr
DISTRICT IN WHICH ADVERSARY IS PENDING Western District of Texas	DIVISION OFFICE Midland	NAME OF JUDGE Shad M. Robinson
SIGNATURE OF ATTORNEY (OR PLAINTIFF) 		
DATE 2/5/2024		PRINT NAME OF ATTORNEY (OR PLAINTIFF) Joseph F. Postnikoff

**INSTRUCTIONS**

The filing of a bankruptcy case creates an "estate" under the jurisdiction of the bankruptcy court which consists of all of the property of the debtor, wherever that property is located. Because the bankruptcy estate is so extensive and the jurisdiction of the court so broad, there may be lawsuits over the property or property rights of the estate. There also may be lawsuits concerning the debtor's discharge. If such a lawsuit is filed in a bankruptcy court, it is called an adversary proceeding.

A party filing an adversary proceeding must also must complete and file Form 1040, the Adversary Proceeding Cover Sheet, unless the party files the adversary proceeding electronically through the court's Case Management/Electronic Case Filing system (CM/ECF). (CM/ECF captures the information on Form 1040 as part of the filing process.) When completed, the cover sheet summarizes basic information on the adversary proceeding. The clerk of court needs the information to process the adversary proceeding and prepare required statistical reports on court activity.

The cover sheet and the information contained on it do not replace or supplement the filing and service of pleadings or other papers as required by law, the Bankruptcy Rules, or the local rules of court. The cover sheet, which is largely self-explanatory, must be completed by the plaintiff's attorney (or by the plaintiff if the plaintiff is not represented by an attorney). A separate cover sheet must be submitted to the clerk for each complaint filed.

**Plaintiffs and Defendants.** Give the names of the plaintiffs and defendants exactly as they appear on the complaint.

**Attorneys.** Give the names and addresses of the attorneys, if known.

**Party.** Check the most appropriate box in the first column for the plaintiffs and the second column for the defendants.

**Demand.** Enter the dollar amount being demanded in the complaint.

**Signature.** This cover sheet must be signed by the attorney of record in the box on the second page of the form. If the plaintiff is represented by a law firm, a member of the firm must sign. If the plaintiff is pro se, that is, not represented by an attorney, the plaintiff must sign.

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
MIDLAND DIVISION

IN RE:	§	
	§	
IRONCLAD PRESSURE CONTROL, LLC,	§	Case No. 23-70156
	§	In Proceedings Under Chapter 11
Debtor.	§	Subchapter V
	§	
	§	
	§	
	§	
C&W INTERNATIONAL FABRICATORS, LLC,	§	
	§	
Plaintiff	§	
	§	
v.	§	Adversary No. _____
	§	
IRONCLAD PRESSURE CONTROL, LLC,	§	
ERMELINDA (MINDY) RIVAS,	§	
BAILEE NICOLE RIVAS-FERNANDEZ,	§	
and ALBERT DEHOYOS,	§	
	§	
Defendants	§	

**NOTICE OF REMOVAL**

TO THE HONORABLE SHAD M. ROBINSON, UNITED STATES BANKRUPTCY JUDGE:

COMES NOW, Ironclad Pressure Control, LLC, the Debtor in Possession in the referenced Chapter 11 bankruptcy proceeding (“Ironclad” or “Debtor”), and files this *Notice of Removal* to this Bankruptcy Court of a cause now pending in the 244<sup>th</sup> Judicial District Court of Ector County, Texas, bearing Cause No. C-23-12-1320-CV, styled *C&W International Fabricators, LLC v. Ironclad Pressure Control, LLC, Ermelinda (Mindy) Rivas, Bailee Nicole Rivas-Fernandez, and Albert Dehoyos* (the “State Court Proceeding”).

**State Court Proceeding**

1. On December 4, 2023, C&W International Fabricators, LLC (“C&W”) commenced suit against Debtor and Ermelinda (Mindy) Rivas, Bailee Nicole Rivas-Fernandez, and Albert

Dehoyos in the 244<sup>th</sup> Judicial District Court in and for Ector County (“District Court”), Texas in Cause No. C-23-12-1320-CV styled *C&W International Fabricators, LLC v. Ironclad Pressure Control, LLC, Ermelinda (Mindy) Rivas, Bailee Nicole Rivas-Fernandez, and Albert Dehoyos*, seeking damages for alleged suit on open account, alleged breach of contract, alleged quantum meruit, alleged promissory estoppel, alleged fraudulent inducement and fraudulent misrepresentation, alleged unjust enrichment, alleged transfers fraudulent as to present and/or future creditor and alleged breach of fiduciary duty for damages of no less than \$3,998,122.00. The State Court Proceeding is currently pending before the District Court.

2. On December 8, 2023, the Debtor commenced the above styled and numbered chapter 11 bankruptcy proceeding. Debtor removes the State Court Proceeding to this Court as more fully described below.

### **Procedural Requirements**

3. This civil proceeding arises under or is related to a case under Title 11 of the United States Code. Jurisdiction arises under 28 U.S.C. § 1334(b).

4. This action is properly removed to this Court pursuant to 28 U.S.C. § 1452(a) and Federal Rule of Bankruptcy Procedures 9027.

5. This removal is timely because it is filed within ninety days of the entry of the order for relief in the Debtor’s chapter 11 bankruptcy case.

### **Core vs. Non-Core**

6. This matter is a “core” proceeding pursuant to 28 U.S.C. § 157(b)(1)(A), (B) and (C) because the State Court Proceeding involves matters concerning administration of the estate, allowance or disallowance of claims against the estate, and counterclaims by the estate against persons filing claims against the estate.

7. The Debtor consents to entry of a final order or judgment by the Bankruptcy Court.

#### **Miscellaneous Matters**

8. As required by Bankruptcy Rule 9027, attached hereto as **Exhibit A** is a certified copy of the State Court's docket sheet and attached hereto as **Exhibit A-1** through **Exhibit A-6** are certified copies of the pleadings filed in the State Court Proceeding as reflected on the State Court's docket sheet. In addition, attached as **Exhibit B** is an index of all documents filed in the State Court Proceeding indicating the date each document was filed.

9. Under 28 U.S.C. § 1452(b) and (c), the Debtor will file a copy of this Notice of Removal with the District Clerk of Ector County, 244<sup>th</sup> Judicial Court, Texas where the State Court Proceeding is currently pending and give all parties written notice of the filing of this Notice of Removal.

#### **Request for Relief**

For these reasons, Ironclad Pressure Control, LLC, removes this action from the 244<sup>th</sup> Judicial District Court of Ector County, Texas, to the United States Bankruptcy Court for the Western District of Texas, Midland Division, so that this Court may assume jurisdiction over the cause as provided by law.



Dated this the 5<sup>th</sup> day of February 2024.

Respectfully submitted,

ROCHELLE McCULLOUGH, LLP  
300 Throckmorton Street, Suite 520  
Fort Worth, Texas 76102  
Telephone: 817.347.5260  
Facsimile: 817.347.5269  
<http://www.romclaw.com>

By: /s/ Joseph F. Postnikoff  
Joseph F. Postnikoff  
State Bar No. 16168320  
Email: [jpostnikoff@romclaw.com](mailto:jpostnikoff@romclaw.com)

COUNSEL FOR DEBTOR IN POSSESSION

### **CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on the 5<sup>th</sup> day of February 2024, a copy of the foregoing Notice was served via ECF on the parties registered with the Court to receive ECF and via electronic mail to the persons listed below:

United States Department of Justice  
Office of the United States Trustee  
Mr. Shane Tobin  
Email: [Shane.P.Tobin@usdoj.gov](mailto:Shane.P.Tobin@usdoj.gov)

Subchapter V Trustee  
Mr. Eric Terry  
Email: [eric@ericterrylaw.com](mailto:eric@ericterrylaw.com)

Counsel for C&W International Fabricators, LLC  
Hamm Law Group, PLLC  
Mr. Jason Hamm  
Email: [jason@permianlaw.com](mailto:jason@permianlaw.com)  
Ms. Cassi Dormady  
Email: [cassi@permianlaw.com](mailto:cassi@permianlaw.com)

Counsel for C&W International Fabricators, LLC  
McWhorter, Cobb & Johnson, LLP  
Todd J. Johnston  
Email: [tjohnston@mcjllp.com](mailto:tjohnston@mcjllp.com)

Counsel for Ironclad Pressure Control, LLC  
Kelly Hart & Hallman, LLP  
Jeff Kuhnhen  
[Jeff.kuhnhen@kellyhart.com](mailto:Jeff.kuhnhen@kellyhart.com)

And via Certified Mail Return Receipt Requested to the parties below:

Ermelinda (Mindy) Rivas  
307 Park Plz,  
San Antonio, Texas 78237

Bailee Nicole Rivas-Fernandez  
4417 Guadalupe St.  
Midland, Texas 79707

Albert Dehoyos  
4406 San Carlos Ct.  
Midland, Texas 79707

/s/ Joseph F. Postnikoff  
Joseph F. Postnikoff